S.B. CIVIL WRIT PETITION NO.119/2005
Gur-Iqbal Singh vs. Addl. Civil Judge and others.

Date : 12.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. D.D. Chitlangi, for the petitioner.

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Heard learned counsel for petitioner and perused the reasons given in the impugned order dated 27.10.2004 by which the trial court rejected the petitioner's application for amendment under Order 6 Rule 17 C.P.C. as it was filed after inordinate delay.

It is true that the trial court has rejected the petitioner's application on the ground that the petitioner has filed the application for amendment of delay after inordinate delay and the petitioner failed to explain that why he did not plead the facts which he now wants to plead but it appears from the order dated 27.10.2004 itself that the petitioner/plaintiff submitted that his suit is suffering from defect of ill-drafting and, therefore, the petitioner is seeking amendment.

It appears from the proposed amendment as mentioned in the impugned order itself that the petitioner virtualy is not correcting any error of drafting but supplying entire new facts and is seeking a different relief on the basis of the facts, therefore, the petitioner's application was

rightly rejected by the trial court on the grounds mentioned in the impugned order as well as because of the reason that the very foundation for removing the application is camouflage.

Accordingly, this writ petition having no merit is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya